

Notice of Allowability

Application No.

09/786,440

Examiner

Jason Proctor

Applicant(s)

KROGER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Response of 7 November 2006.
2. ☒ The allowed claim(s) is/are 55, 61 and 67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

**EXAMINER'S AMENDMENT AND
REASONS FOR ALLOWANCE**

Claims 46-68 were rejected in the Office Action of 8 March 2006.

Upon entry of Applicants' supplemental response of 7 November 2006, claims 46-54, 56-60, 62-66, and 66 are cancelled. Claims 55, 61, and 67 are amended.

Claims 55, 61, and 67 are pending in this application.

Claims 55, 61, and 67 are allowed.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Pierre Yanney (35,418) on 15 November 2006.

The application has been amended as follows:

Claim 55, line 30, after the word "manufactured;" insert the word -and-.

Claim 61, lines 1-2, delete the word "System," and insert the words -A system-.

Claim 61, line 41, after the word "variants;" insert the word -and-.

Claim 61, line 23, delete the word "definition" and insert the word -definitions-.

Claim Objections

The previous objections to the claims are withdrawn in response to the cancellation of those claims.

Claim Rejections - 35 USC § 101

The previous rejections under 35 U.S.C. § 101 have been withdrawn in response to the cancellation and amendments of the claims. In particular, the pending claims 55, 61, and 67 recite either a step of “manufacturing,” a processor configured to “control the manufacture,” or “controlling the manufacture” of an article. These claims clearly establish the useful, concrete, and tangible result for the claimed invention and therefore overcome the grounds of rejection of the previous Office Action.

Claim Rejections - 35 USC § 102

The previous rejections of claims 46-53, 56-59, 62-65, and 68 under 35 U.S.C. § 102(a) as being anticipated by “Product Configuration Using Object Oriented Grammars” by Görel Hedin, Lennart Ohlsson, and John McKenna (Hedin) are withdrawn in response to the cancellation of these claims.

Claim Rejections – 35 USC § 103

The previous rejections of claims 54, 60, and 66 under 35 U.S.C. § 103(a) as being unpatentable over Hedin are withdrawn in response to the cancellation of these claims.

2. The following is an examiner's statement of reasons for allowance:

While the prior art of record teaches inventory management systems, bills of materials, and configuration tools, etc., these references, alone or in combination, fail to anticipate or render obvious the claimed invention.

The claimed invention combines at least these three concepts with:

(Claim 55) Wherein each position variant definition has an associated validity period and the step of extracting unique code rules comprises extracting unique code rules only from those position variant definitions which have not expired at a specified start time based on the validity period, [...] and the step of mapping comprising mapping the evaluations of the unique code rules to the corresponding code rules in the position variant definitions only for those particular orders which have a build time within the validity period of the respective position variant;

(Claim 61) wherein each position variant definition has an associated validity period; and the processor is configured to extract unique code rules only from those position variant definitions which are not expired at a specified start time in accordance with the associated validity period [and the processor being further configured to...] map the evaluations of the unique code rules to the corresponding code rules in the position variant definitions only for those particular orders which have a build time within the validity period of the respective position variants; and

(Claim 67) wherein each position variant definition has an associated validity period and the program module extracting unique code rules comprises a program module for extracting unique code rules only from those position variant definitions which have not expired at a

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specified start time in accordance with the validity period [and] mapping the evaluations of the unique code rules to the corresponding code rules in the position variant definitions only for those particular orders which have a build time within the validity period of the respective position variant definition;

which are neither disclosed nor suggested by the relevant prior art of record. These limitations in combination with the recited elements and features of the claimed invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Proctor whose telephone number is (571) 272-3713. The examiner can normally be reached on 8:30 am-4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

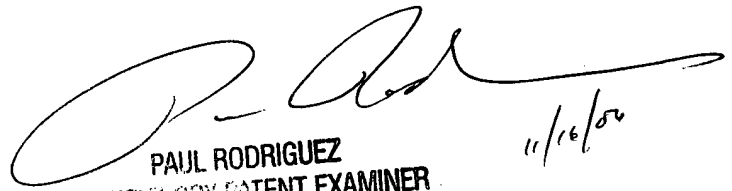
Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of

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an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Proctor
Examiner
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PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
11/16/02